

SECOND REGULAR SESSION

HOUSE BILL NO. 2147

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PORTWOOD.

Read 1st time March 12, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3165L.011

AN ACT

To amend chapter 195, RSMo, by adding thereto one new section relating to prohibition of arrest and prosecution of certain persons for drug offenses.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 195, RSMo, is amended by adding thereto one new section, to be
2 known as section 195.201, to read as follows:

**195.201. 1. Notwithstanding the provisions of any other law to the contrary no
2 person shall be arrested for or charged with any crime involving the possession, use,
3 distribution, delivery, or sale of a controlled substance or an imitation controlled
4 substance, or trafficking in a controlled substance when:**

5 **(1) Such possession, use, distribution, delivery, or sale of a controlled substance or
6 an imitation controlled substance, or trafficking in a controlled substance arises out of a
7 situation where such person is present with one or more persons and any person present
8 is in the possession of or engaging in the purchase, use, distribution, delivery, or sale of a
9 controlled substance or an imitation controlled substance, or trafficking in a controlled
10 substance; and**

11 **(2) Any of the other persons present becomes seriously ill as a result of a controlled
12 substance or an imitation controlled substance; and**

13 **(3) A reasonable person would have believed that the ill person was seriously ill;
14 and**

15 **(4) Such person summons aid for the seriously ill person; and**

16 **(5) Such person stays with the seriously ill person until help arrives.**

17 **2. Notwithstanding the provisions of subsection 1 of this section any law
18 enforcement official who responds to the summons for help for the seriously ill person shall**

19 **confiscate any illegal controlled substances or imitation controlled substances found at the**
20 **scene or in the possession of any person at the scene including any illegal controlled**
21 **substances or imitation controlled substances found in the possession of the person who**
22 **summoned the aid.**

23 **3. As used in this section "seriously ill" means that the person has lost**
24 **consciousness or has been rendered physically unable at that time to summon help for**
25 **themselves.**